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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

In re:

ROCHESTER DRUG CO-OPERATIVE, INC.

Debtor.

Chapter 11

Case No. 20-20230 (PRW)

Advisory Trust Group, LLC, as trustee of the RDC  
LIQUIDATING TRUST,

Plaintiff,

v.

SENO, INC. D/B/A FALCON EXPRESS &  
COURIER; FALCON EXPRESS & COURIER,

Defendants.

Adv. Proc. No. 22-02028 (PRW)

**STIPULATION OF DISMISSAL OF ADVERSARY PROCEEDING**

Plaintiff Advisory Trust Group, LLC, in its capacity as the Liquidating Trustee of the RDC Liquidating Trust (the “**Liquidating Trustee**”), and defendants Seno, Inc. d/b/a Falcon Express & Courier and Falcon Express & Courier (the “**Defendants**”, and together with the Liquidating Trustee, the “**Parties**”), hereby stipulate as follows:

## **RECITALS**

A. On February 3, 2022, the Liquidating Trustee initiated the instant adversary proceeding by filing the *Complaint for Avoidance and Recovery of Preferential Transfers and Objection to Claims* (the “**Complaint**”) against Defendants, which was designated Adversary Proceeding Number 22-02028 (PRW) (the “**Adversary Proceeding**”).

B. On February 28, 2022, Defendants filed an Answer to the Complaint [Docket No. 4].

C. On March 1, 2022, the Court entered its *Order Setting Rule 16 Conference* [Docket No. 7].

D. On March 1, 2022, the Parties entered into the *Stipulation By and Between the Liquidating Trustee and Defendants Seno, Inc. d/b/a Falcon Express & Courier; Falcon Express & Courier Regarding Mediation Procedures and Continuance of Rule 16 Conference Pending Completion of Mediation* (the “**Mediation Stipulation**”)[Docket No. 8], which was approved by order entered that same day [Docket No. 10].

E. Pursuant to the Mediation Stipulation, and an agreement between the Parties, Leslie Berkoff was selected as the mediator.

F. Prior to mediation, the Parties entered into a settlement agreement that resolved the Adversary Proceeding.

## **STIPULATION**

1. The Parties hereby stipulate, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding by Rule 7041 of the Federal

Rules of Bankruptcy Procedure, to the dismissal with prejudice of the Adversary Proceeding,  
with each party to bear its own attorneys' fees and costs.

STIPULATED AND AGREED:

Dated: September 12, 2022

Dated: September 12, 2022

PACHULSKI STANG ZIEHL & JONES LLP

LAW OFFICES OF JOHN J. MARTIN

/s/ Ilan D. Scharf

/s/ John J. Martin

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*Counsel to Defendants Seno, Inc. d/b/a  
Falcon Express & Courier; Falcon Express  
& Courier*

*Counsel to Plaintiff RDC Liquidating Trust*

SO ORDERED

DATED: \_\_\_\_\_, 2022  
Rochester, New York

\_\_\_\_\_  
HON. PAUL R. WARREN  
United States Bankruptcy Judge